

Agenda Item	A6
Application Number	20/00358/OUT
Proposal	Outline planning application for the erection of up to 12 2-storey dwellings and creation of 2 new accesses
Application site	Land Off Sand Lane, Warton, Lancashire
Applicant	Barker's Farm Ltd
Agent	HPA Chartered Architects
Case Officer	Mr Adam Ford
Departure	No
Summary of Recommendation	Approval

1.0 Application Site and Setting

- 1.1 The application site is a 0.7 hectare undeveloped grassland field within the village of Warton. The site itself lies to the South West of the main village centre and to the North West of Sand Lane with existing residential properties opposite. Sand Lane functions as the main vehicular route between Silverdale and Warton. Undeveloped agricultural land lies to the North of the application site with the Warton Crag Quarry Nature Reserve located approximately 500m further North. In terms of topography and undulation, the site's levels fall from the South West to the North East by approximately 7m across a 100m section. This gives the appearance of a gentle slope as opposed to a steep gradient.
- 1.2 On its South East boundary, the application site bounded by an existing hedge adjacent to Sand Lane and the North East boundary of the site comprises an existing hedgerow. A public footpath (FP2) runs parallel to the site's North East boundary which affords walking links to Crag Road before tracking West to connect to New Road. The existing footpath link (FP2) is to be retained and is not to be relocated or diverted as a result of this proposal.
- 1.3 The application site is also located within the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) and it is allocated for residential development (site AS21 W88) within the AONB's Development Plan Document adopted in March 2019. This clarifies that the site could accommodate up to 12 dwellings subject to the visual impact arising from any such development.

2.0 Proposal

- 2.1 The application seeks outline planning permission for residential development comprising up to 12 dwellings with two associated access points onto Sand Lane. The layout, appearance, scale and landscaping of the development are matters reserved for subsequent approval (herein referred to as the "reversed matters").
- 2.2 The main access to the site is intended to serve the majority of the development and the indicative plans demonstrate that this is likely to be approximately 10 units. The secondary access which lies to the North East of the main access will serve fewer units and on the basis of the details submitted,

this is likely to be two dwellings. The submitted plans demonstrate that vehicular access will be onto Sand Lane with visibility splays secured by translocating the site's existing hedgerow. In order to secure an access into the site, a section of the existing hedgerow will need to be removed although the plans illustrate that this has been kept to a minimum so that as much of the hedgerow may be retained as possible.

2.3 The layout of the scheme would ultimately be determined at the reserved matters stage. Notwithstanding this, the submission includes an illustrative layout plan to demonstrate how the site could accommodate the proposed development of up to 12 units. These plans demonstrate that the built form would be set back from the road and would likely be in a linear format in a similar fashion to the existing development which abuts Sand Lane. In addition, these plans show the site's public open space situated largely to the south of the developable area with the internal spine road tracking to the South West. The gardens would largely be North facing as this enables the built form to front onto Sand Lane. The site's existing stone boundary wall on its North East elevation is marked as being retained and there appears to be scope for meaningful and verdant boundary treatments to the North and South West. The treatment of the North West boundary is particularly important given the open nature of the locality beyond.

3.0 Site History

3.1 There are no relevant applications to report with respect to the site or this proposal.

4.0 Consultation Responses

4.1 The following responses have been received from statutory and internal consultees:

Consultee	Response
Waste and Recycling Officer	No objection raised but advice with respect to bin locations offered
Fire Safety Officer	No objection raised and standard advice offered
Lancashire Constabulary	No objection raised and applicant advised to consider secured by design 'Homes 2019' at reserved matters stage.
Highways England	No objection raised and no conditions requested
Contaminated Land Officer	No objection raised subject to standard condition relating to land contamination and remediation measures
County School Planning Team	Education contribution of £50,161 required towards two secondary places. No primary spaces sought.
Natural England	Initial comments dated 22 June 2020 confirmed that an HRA under the Habitat Regulations should be undertaken. This was completed by the Council and further comments dated 5 th March 2021 confirmed that Natural England agreed with the proposed mitigation (homeowner packs). Therefore, no objection .
Arnsdale and Silverdale AONB	Revised comments dated 9 th March 2021 offer no objection to the scheme but raise questions over the housing types that may be built on the site
United Utilities	No objection subject to conditions
Public Realm	No objection raised and potential areas for s106 contributions identified
Lancashire County Council Historic Environment Team	No objection and no conditions required
NHS Morecambe Bay CCG	Request made for financial contribution to support refurbishment of local surgery
Environmental Health	No objection subject to conditions
Lead Local Flood Authority	No objection subject to conditions
Lancashire County Council Highway Authority	No objection raised via formally submitted comments but the need for a speed survey was clarified to Officers. At the time of writing this report, the Highway Authority have further confirmed they do not object to the proposal but would wish to see the Eastern visibility splay increased from 40.8m to 43m.

4.2 In total, 38 objections from members of the public have been submitted in response to this application and the following issues have been raised:

- Housing need is not justified
- The land is not appropriate for development
- Agricultural land will be lost forever
- Proposal will generate too much traffic
- Land will no longer be accessible for recreation
- Development will increase flood risk
- Construction traffic poses a danger to other road users
- Inefficient use of land
- Proposal would be visually harmful
- Ecological damage is not justified
- Development should be on brownfield sites, not green sites, and is harmful to the AONB
- Adverse overlooking will arise
- Too much pressure on existing utilities
- Outline application should not have been submitted
- Insufficient boundary treatments proposed
- Existing businesses will be subject to complaints from new residents
- Drawings are not sufficiently detailed

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Environmental Impact Assessment Regulations
- The principle of development and housing need
- Highway matters
- Design and landscape impacts
- Amenity impacts and open space
- Biodiversity
- Flood risk and drainage
- Other considerations

5.2 Preliminary matter: The Environmental Impact Assessment Regulations 2017 and the need to 'screen' the development

5.2.1 Owing to the site's location within the Arnside and Silverdale AONB, which for the purposes of the EIA regulations is defined as a 'sensitive area', the proposal has been screened under the regulations. The Council's screening opinion pursuant to 20/00556/EIR confirms that with respect to the size, design, proposed land use, landscape impact and effects on European designated sites, the proposal is not judged to be EIA development. Accordingly, an Environmental Statement is not required.

5.3 **Consideration 1: Principle of development:** (NPPF paragraph 7 – 12 (Achieving Sustainable Development), 47 (Determining applications), Chapter 5 (Delivering a Sufficient Supply of Homes); Strategic Policies and Land Allocations (SPLA) DPD policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy, SP3: Development Strategy for Lancaster District, SP6: The Delivery of New Homes, Development Management (DM) DPD policies, DM1: New Residential Development and Meeting Housing Needs, DM2: Housing standards and DM3: Delivery of Affordable Housing; Meeting Housing Needs SPD; Affordable Housing Practice Note Planning Advisory Note; Housing Standards Planning Advisory Note. Arnside and Silverdale AONB Development Plan Document 2019: Policy AS21 W88 Land North West of Sand Lane.

5.3.1 Planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission be determined in accordance with the development plan, unless

material considerations indicate otherwise. The Development Plan (hereafter 'Local Plan') for Lancaster District includes the Strategic Policies and Land Allocations Development Management Documents (SPLA DPD), a reviewed Development Management (DM) DPD, the Morecambe Area Action Plan DPD and the Arnside and Silverdale AONB DPD.

- 5.3.2 This application for planning permission is for a residential development within the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB). As clarified above, the Development Plan for the AONB consists primarily of the Arnside and Silverdale AONB Development Plan Document (DPD) Adopted Version 28 March 2019. The AONB DPD forms part of the Lancaster Local Plan which is made up of other adopted documents and should be read in conjunction with these policies. However, where the AONB DPD sets specific, different and/or additional requirements that are not set out in the District wide policies then the AONB DPD takes precedence. The application site lies within an allocated site within the Arnside and Silverdale AONB DPD and the planning policy context for considering this application is set out in Policy AS21 (W88) – Land North West of Sand Lane, Warton. This identifies 8 site specific requirements and an indicative plan to guide development of this site. It should also be noted that the site location plan (the 'red edge') which has been submitted with this application is larger than that identified within Policy AS21. This is because the site as drawn within the AONB DPD is not aligned with the existing development and the positioning of the rear gardens. As such, if the proposed development were to rigidly adhere to the site allocation as drawn under Policy AS21 it would appear visually awkward when seen in context from the North. The boundary treatments would not relate to each other and this would undermine the locality's visual amenity. As such, although the proposed site plan exceeds the allocated site area set out within Policy AS21, this minor conflict with the DPD is not deemed to be one which should weigh against the proposal on the basis it allows for a more comprehensive development of the site.
- 5.3.3 With respect to policy SP2, which sets out the settlement hierarchy for the district, the site lies within the village of Warton which is identified as being a sustainable rural settlement within the Arnside and Silverdale AONB. Such sustainable rural settlements within the district's AONBs are able to provide the focus for growth outside of the main urban areas subject to the resultant landscape impacts upon the relevant AONB. In this regard, the core principles in the National Planning Policy Framework (paragraph 17) indicate that the planning system should recognise the intrinsic character and beauty of the countryside and contribute to conserving and enhancing the natural environment. Consequently, development of this site should relate well to the existing urban form and preserve the countryside and the landscapes contained within it.
- 5.3.4 In addition, policy DM4 notes that the Council will support proposals for residential schemes which lie outside the district's main urban areas where they reflect sustainable patterns of growth and broadly comply with the settlement hierarchy set out by policy SP2. In this regard, the broad principle of residential development on this site is further supported by way of its allocation for housing within the Arnside and Silverdale DPD (March 2019).
- 5.3.5 Whilst the allocated nature of the site is duly noted, in considering the principle of development, policy AS03 (Housing Provision) is also relevant. This policy provides that within the AONB, proposals of two or more dwellings will be supported where at least 50% is deemed affordable. This high quantum is justified as it would be inappropriate for suitable development sites to accommodate development that did not meet local affordable needs. To do so would mean that those needs would remain unmet and more sensitive sites would have to be developed causing harm and compromising the primary purpose of the AONB designation.
- 5.3.6 Although it is now somewhat dated, at its time of publication, the Housing Needs Survey for the AONB identified a need for 72 affordable houses between September 2014 and September 2019 (5 years) for people living in the AONB. Since then, no additional Housing Needs Survey has been undertaken. The aforementioned Needs Survey identified a need within the Lancaster part of the AONB for 39 affordable homes and 47 open market homes. With this in mind, even if 50% of new homes on the sites allocated in the current local plan are provided as affordable homes, as required by policy AS03, there will remain a significant shortfall in meeting the need for affordable housing. It is therefore important that each site provides an appropriate amount of affordable housing and this scheme is able to contribute a further 6 affordable units to the area's shortage of affordable homes.

- 5.3.7 Policy DM2 requires all new homes to meet the Nationally Described Space Standards and for at least 20% of the dwellings to be meet the M4(2) requirements set out in Building Regulations for accessible and adaptable dwellings. Due to the application seeking outline permission only, this is not something which can be assessed on the basis of the current submission. However, a suitably worded planning condition can be imposed to secure compliance with these requirements.
- 5.3.8 Accordingly, in light of the above commentary, the broad principle of residential development on this site is deemed to be something that the Local Planning Authority are able to support subject to material planning considerations as set out below.
- 5.4 **Consideration 2 Highway Matters and Access: NPPF Chapter 9 paragraphs 108-111 (Promoting Sustainable Transport) and Chapter 12 paragraph 127 (Achieving well-designed places); Strategic Policies and Land Allocations (SPLA) DPD policies T2: Cycling and Walking Network; Development Management (DM) DPD policies DM29: Key Design Principles, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling, DM62: Vehicle Parking Provision**
- 5.4.1 Although this is an outline application, the means of access is to be considered and is not a reserved matter. This therefore enables the Local Planning Authority to assess the scheme's potential impact on the existing highway network and whether or not the proposed accesses onto the highway are appropriately positioned and designed.
- 5.4.2 From a National Planning Policy perspective, paragraph 108 of the NPPF advises that where appropriate, schemes should secure safe and suitable access to the public highway for all applicable users. The NPPF further advises that sustainable transport modes should, where possible and relevant, be taken up and encouraged although this will of course depend on the type of development and its location. This requirement is reflected in policy DM29 (Key Design Principles) which requires proposals to deliver suitable and safe access to the existing highway network whilst also promoting sustainable, non-car dominated travel.
- 5.4.3 As illustrated on the submitted drawings, two new access points onto Sand Lane are proposed. The 'main' access will be used to serve the majority of the development whereas the smaller access (to the east of the main access) will serve a lesser number of residential units. Given the space available within the site and the proximity of the accesses to each other, it is likely that the main access will serve up to 10 units whilst the secondary access to the east will serve up to 2 units. This avoids 12 individual access points being installed onto Sand Lane which would ultimately give rise to a very urban character and would result in a less efficient use of the land with the proposed public open space likely compromised.
- 5.4.4 With respect to the design of the main access, prior to submitting this application, a pre-application enquiry was submitted to the County Council. This highlighted that the existing access to Hutton Garden acts as a constraint to any further new access points as a further access directly opposite the existing arrangement would give rise to potential safety concerns. Accordingly, the access has been positioned as far to the East as is possible without infringing upon the existing access into Hutton Gardens. Furthermore, based on the advice offered from the County Council, the main access has been designed so that it is 5.5m wide with a 6m radii at the entrance. The submitted plan also indicates that a refuse truck is able to enter and leave the site in forward gear without crossing over to the opposite side of the highway. On this basis, the main access and spine road are capable of being installed to an adoptable standard by the Highway Authority and this can be controlled via a planning condition.
- 5.4.5 Currently, Sand Lane is subject to a speed limit change from 20mph to 30mph (when driving towards Warton) and comments from the Highway Authority advise that the road suffers from a speed compliance issue although data in support of this has not been provided. It is therefore important to ensure that the visibility splays delivered are appropriate for the actual speeds of motorists using the highway. Although a speed survey was requested by the Highway Authority at the pre-application stage, one was not provided in support of the application. As it stands, it is noted the access points are located within a 30mph zone and that based on the guidance issued by the County Council, splays of 2.4m x 24m would appear to be sufficient. However, following clarification between the case officer and the Highway Authority, the need for a speed survey in advance of determining the application has been established. This is because prior to the specification and

design of the visibility splays being finalised, the average speed of those using the public highway must be understood so that both Authorities may be satisfied that adequate land (not falling under private ownership) is available for the creation of a safe access.

5.4.6 On the 21 June 2020, speed survey data was shared with the Local Planning Authority and this confirmed that the 85th percentile speed of Sand Lane (when measured at the proposed location of the site frontage) was 30mph Westbound and 33mph Eastbound. Accordingly, amended visibility splays have been proposed as demonstrated on the revised site layout plan and they are as follows:

- East: 2.4m x 40.8m
- West: 2.4m x 52.4m

Based on the revised layout plan, it is clear that these splays can be secured within land that is under the control of the applicant, within the red edge of the site location plan or across land under the control of the Highway Authority. The speed survey data and the amended visibility splays have been shared with the Highway Authority, who have raised no objection but have requested a minor increase in the eastern splay to 43m. In response to this, the applicant's Highway Consultant has provided the detailed calculations (pursuant to the Manual for Streets) and evidence that the proposed splays are based on the road's 5% gradient and therefore suggests that they are in accordance with the required standard. Further comment from the Highway Authority is awaited to ascertain if the Eastern splay should be increased from 40.8m to 43m. This minor detail, given the land available, need not however delay the determination of the application.

5.4.7 It is important to note that the comments from the Highway Authority suggest that removing sections of the hedgerow would be preferable to secure the appropriate visibility splays. However, given the value of the hedgerow to the street scene and its vital role in softening the development that will eventually be positioned behind it, removing the hedge in its entirety is not something that the Local Planning Authority would advocate. Instead, it is the Council's preference that the hedge is translocated and simply moved out of the visibility splays as required by the Highway Authority. This allows an appropriate balance between highway safety and the preservation of the locality's vernacular to be secured. Ultimately, the location of the hedge will prove to be paramount in securing the required visibility splays and its position/angle must be compatible with the visibility requirements. The submitted plans illustrate that the hedge will be translocated but this detail is indicative as noted on the plans. Accordingly, this is something which will need to be controlled via condition but given the wording required, it will be removed from the main highway's improvement condition for the sake of clarity and readability.

5.4.8 In addition to the need to translocate the existing hedge which fronts onto Sand Lane, the Highway Authority has advised that a range of additional highway improvement measures should also be secured through this application. The indicative layout plan demonstrates a new footpath connection being installed to the East of the site adjacent to the dwellings which benefit from the private access. It is noted that this will require the existing hedge to be translocated further North than the adjacent segment of hedge. However, without a footpath connection the site would be poorly accessible to pedestrians and the inclusion of this path allows the scheme to link with the existing footpath provision off site. The benefit of including a footpath along the entirety of the site's frontage is noted but this would further erode the site's existing character and it would appear visually prominent given the linear nature of Sand Lane. The creation of a new footpath connection (as demonstrated on the submitted layout plan) is therefore something which can be secured via a planning condition.

5.4.9 The Highway Authority has also advised that the following highway improvement measures should be secured by way of a planning condition:

- Measures to influence vehicle speeds along Sand Lane (to be agreed with Highway Authority but likely to include new road markings, additional signage, potential speed limit extension and thermoplastic lines)
- Review of street lighting arrangements within the vicinity of the proposed access points
- Review of location of existing speed signage to ensure that new access points into site are not obstructed

A request for mobile speed indication equipment has also been made but this is not something which can be secured via a planning condition; this essentially involves supplying the Parish Council or

the local community with equipment as opposed to a fixed infrastructure and cannot therefore be controlled through a planning condition. Furthermore, given the scale of the development (maximum of 12 units), the aforementioned requirements of the recommended condition are deemed to be adequate, within the context of paragraph 55 of the NPPF, to justify not seeking such mobile equipment.

5.4.10 Within the formal comments offered by the Highway Authority, it is noted that the scheme is described as being car dominated due to its location away from what the Highway Authority defines as acceptable walking distances. It is noted that occupants of the site would, to a degree, need to rely on motor vehicles to access certain services and local facilities; namely in Carnforth which is, in itself, a sustainable settlement. However, Warton is able to offer a post office, a public house, a primary school and a church, all of which are likely to be frequented by the occupants of a further 12 dwellings. In addition, the area is served by regular bus services (49 & 51) which provide access to Carnforth, Silverdale and Lancaster. Warton's sustainability is of course, to a degree, buoyed by the proximity of Carnforth but given the town's allocation under policy SP2 (settlement hierarchy), the proposal is not considered to represent an unsustainable form of development.

5.4.11 With respect to the parking of vehicles, policy DM62 of the Development Management DPD sets out that development proposals must meet the levels of prescribed parking as illustrated in Appendix E of the DPD. Due to the outline nature of the application, the precise number of required car spaces cannot be accurately calculated at this stage. However, the indicative site layout plan demonstrates that adequate off street parking can be provided.

5.5 **Consideration 3 Design and Landscape Impacts** (NPPF: Chapter 12, Chapter 15 paragraph 170 and 172 -177 (Conserving and Enhancing the Natural Environment); Strategic Policies and Land Allocations (SPLA) DPD policy EN2 (Areas of Outstanding Natural Beauty) Development Management (DM) DPD policies DM29: Key Design Principles, DM45 (Protection of Trees, Hedgerows and Woodland) and DM46 (Development and Landscape Impact; Arnside and Silverdale AONB Development Plan Document 2019: Policy AS21 W88 Land North West of Sand Lane)

5.5.1 Collectively, the above referenced national and local planning policies seek to protect and, where applicable, enhance designated landscapes and other unique and valued landscapes which contribute to the locality's sense of place. The application site lies within the designated Arnside and Silverdale AONB and as such, ensuring the development is visually appropriate within the context of the AONB is of paramount importance.

5.5.2 From a national perspective, paragraph 172 of the NPPF advises that great weight should be given to conserving and enhancing landscape and scenic beauty in designated Areas of Outstanding Natural Beauty. This requirement is reflected through policy EN2 of the SPLA DPD document which requires all development proposed within the AONB to be consistent with primary purpose of the relevant DPD or Management Plan. Policy DM46 offers further detailed advice with respect to proposals and their impact on the landscape but remains consistent with the main thrust of the NPPF and strategic policy EN2. Ultimately, development proposals should, through their siting, scale, massing, materials, landscaping, vernacular style and design seek to contribute positively to the conservation and enhancement of the protected landscape and its setting.

5.5.3 Paragraph 4.45 of the Development Management DPD clarifies that residential development in sustainable settlements within Areas of Outstanding Natural Beauty will be supported subject to constraints of the protected landscape and where a landscape capacity approach has been taken in the preparation of the relevant DPD. In this instance, policy AS21 of the Arnside and Silverdale DPD offers bespoke guidance on the site's design constraints and it requires the submission of a landscape and visual impact assessment (LVIA) to ensure that the site's design and layout is suitably sympathetic towards the AONB's landscape character.

5.5.4 However, although policy AS21 of the AONB's DPD expressly states that a LVIA should be submitted, due to the application being in outline form with only access to be considered, such an assessment would not offer any significant or substantial benefit at this stage in the application process. In addition, the evidence which underpins the AONB's DPD clarifies that the principal need for the LVIA is to ensure that any development proposed within the site is appropriately designed in

terms of its external appearance. This is not a matter which can be considered in detail through the current outline application as the final design, layout and scale will be concluded at the reserved matters stage. Accordingly, a sufficiently detailed LVIA would be expected by the Local Planning Authority at the Reserved Matters stage so that the scheme's impact upon the AONB can be accurately and objectively considered.

- 5.5.5 Notwithstanding this, the application is supported by a basic document entitled "Landscape and Visual Impact Notes". This is not a formal LVIA which complies with the widely recognised Guidelines for Landscape and Visual Impact Assessment (GLVIA3), but it does provide an overview of the development's impact. It concludes that given the site's allocation for a small cluster of dwellings (policy AS21) and the degree of spatial arrangement within the site, an adverse impact is not considered likely. The current indicative scheme illustrates that the majority of the roadside hedge will be retained and that there is potential for a verdant Northern boundary to be achieved; both of which are required by the DPD to ensure that the impact upon the AONB is minimal, or at the very least, is not adverse.
- 5.5.6 In addition, with respect to the impact upon the AONB, formal comments have been submitted by the Arnside & Silverdale Area of Outstanding Natural Beauty Partnership. Although no objection has been raised, their formal comments raise concern that the Northern boundary is inadequate and would potentially conflict with policies AS02 IV and AS08 II in terms of the impact upon the AONB and its visual amenity. This is on the basis that the proposed fencing would be visually harmful and not suitably sensitive. This point is fully noted but given the outline nature of the proposal, this is something which can be controlled via condition to ensure that boundary treatments which comply with the AONB's DPD are secured. This, ultimately, would likely require the installation of a new Limestone wall or significant boundary planting. A visually harsh and exposed boundary fence which would be prominent from the adjacent footpath (1-35-FP2) is unlikely to be supported.
- 5.5.7 The application is also supported by an indicative cross section which runs from the South East to the North East of the site. Although the final design and layout would not necessarily mirror the details submitted, the cross section and street scene attempts to show how the development will relate to off site development and how it will be experienced by those using Sand Lane. This demonstrates that when seen from Sand Lane, the site is able to accommodate the proposed number of units without appearing as cramped or overdeveloped. The dwellings do not appear squeezed together and by ensuring that adequate spacing is left between the built form, the proposal does not present itself as excessively urban or one which appears as out of character when seen in context with the wider urban grain. The proposed section drawing gives an indication of the potential finished levels and how they relate to the existing built form but due to the outline nature of the application, this would need to be further controlled by way of a planning condition.
- 5.5.8 The submitted plans also indicate that the existing stone wall to the North East of the site will be retained along with the site's existing front hedge. The AONB DPD does not require the existing stone wall to be retained but this is considered to represent an attractive boundary treatment which is suitable for the AONB designation. The retention of the site's front hedge is an important factor as previously discussed and its retention / translocation will be controlled by way of a planning condition.
- 5.6 **Consideration 4 Amenity Impacts and Open Space** (NPPF: Chapter 8 paragraph 91 (Promoting Healthy and Safe Communities), Chapter 12 paragraphs 124, 127 and 130 (Achieving Well-Designed Places), and paragraphs 178 – 183 (Ground Conditions and Pollution); Development Management (DM) DPD policies DM2 (Housing standards), DM29 (Key Design Principles), DM30 (Sustainable Design), DM31 (Air Quality Management and Pollution), DM32 (Contaminated Land) and DM57 (Health and Well-Being).
- 5.6.1 In conjunction with the National Planning Policy Framework, the development plan requires development proposals to be of a high quality so that they contribute positively to the locality's sense of place and the community's wider health. In this regard, the Council expects proposals for new residential development to deliver a good standard of amenity whilst also being attractive and accessible to all. The delivery of on-site open space significantly enhances a scheme's design credentials whilst also providing an important community asset to those who live, work and play in the area.

- 5.6.2 Policy DM29 of the DM DPD (and the design and well-being chapters of the NPPF), requires new residential development to have no significant detrimental impacts to the amenity of existing and future residents by way of overlooking, visual amenity, privacy, outlook and pollution. In this instance, existing residential development is adjacent to the site and separated by Sand Lane. Residential dwellings are also located to the North East and South West of the development site. The development (once built and occupied) will not affect the residential amenity of existing dwellings although this would need to be considered in more detail at the reserved matters stage. In particular, it would be necessary to ensure sensitive window positioning when considering the design of the end plots that share boundaries with existing residential developments. Naturally, there may be some disturbance caused during the construction phases of the development but given the modest nature of the scheme, this is not likely to be so substantial that specific mitigation measures are required.
- 5.6.3 Ultimately, the amenity of future occupants is predominantly a matter for the reserved matters application as the current submission does not include detailed drawings that would enable the Council to comment on this aspect meaningfully. All new residential dwellings, noting that the reserved matters application may seek permission for less than 12 units, will be required to meet the amenity standards set out in policy DM29 insofar as it relates to outlook, the garden sizes, separation distances and parking provision (as covered by policy DM62). The provision of private gardens and accessible open space is crucial to not only the health and well-being of potential future residents but also the wider community. To this end, in considering a reserved matters application, the Local Planning Authority would encourage any potential developer to consider the prescribed garden standards as a minimum as opposed to being a maximum.
- 5.6.4 The submitted indicative site plan illustrates how the site is able to accommodate the proposed quantum of development without a significant degree of policy conflict arising. The site incorporates adequate space to allow for a well designed layout to be secured the units provided should, given the space on site, all be capable of meeting the nationally prescribed space standards.
- 5.6.5 Policy DM27 'Open Space, Sports and Recreational Facilities' states that proposals which seek to protect and enhance existing designated open spaces, sports and recreational facilities, that are provided for their important value, will be supported by the Council. The policy further clarifies that where a development proposal is located in an area that is recognised to be deficient in open space, sports and recreational facilities, there is a requirement to provide appropriate contributions towards these forms of open space provision; either through on-site or a financial contribution toward the creation of new or the enhancement of existing open spaces, sports and recreational facilities off-site.
- 5.6.6 Based on the indicative plans, the Council's Public Realm Officer has confirmed (based on the methodology outlined within the Council's Planning Advisory Note (PAN) on Open Space) that the proposed development will require approximately 220m² of usable on-site amenity space. The submitted layout plan illustrates that this is achievable and that it will likely be positioned to the front of the dwellings so as to create a soft entrance and gateway into the site. In addition to on site provision, initial comments from the Public Realm Officer suggest that a financial off-site contribution of £30,556 may also be required at the reserved matters stage to support some upgrading works to paths and signage within the Warton Crag (a natural / semi natural open space owned by Lancaster City Council) in line with the Open Space PAN. Within their response, Public Realm have not identified any deficiencies of other typologies of open space and as such, the request is only in relation to natural and semi natural open space and improvements to existing recreational routes through the Crag. However, Officers are seeking further clarification on the identified project and the sum of money based on the indicative bedroom numbers to ensure that such an approach is CIL compliant in light of the adopted development plan policies. A verbal update on this matter will be provided at the Committee meeting. Any financial contribution sought, however, would need to be necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Nonetheless, the applicant has agreed to an obligation requiring the financial contribution referred to subject to the further clarification being sought by Officers.
- 5.6.7 With respect to air quality, the site is not located within any of the District's Air Quality Management Areas and owing to the modest nature of the scheme, a significant amount of traffic is not likely to be generated by the development. It is noted that the Council's Air Quality Officer has not raised an

objection or requested any site specific mitigation. However, policy DM31 of the Development Management DPD requires all development to demonstrate how they will seek to minimise and reduce air polluting emissions. Given the site's location, albeit within a sustainable settlement, there will be a degree of reliance upon private vehicles. Accordingly, it is considered reasonable to impose a condition which requires the scheme to deliver electric charge points and cycle storage facilities, especially as much of the traffic generated by this development will be travelled through Carnforth's Air Quality Management Area.

5.7 **Consideration 5 - Biodiversity** (NPPF: Chapter 15 paragraph 170 and 174-177 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policies SG1 Lancaster South Broad Area of Growth and EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM44 (Protection and Enhancement of Biodiversity), DM45 (Protection of Trees, Hedgerows and Woodland))

5.7.1 As required by the National Planning Policy Framework at paragraphs 8c, 170 and 175 the Local Planning Authority has a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites of biodiversity interest are protected when determining planning applications. The NPPF indicates that when determining planning applications, Local Planning Authorities must aim to conserve and enhance biodiversity and that opportunities to incorporate biodiversity in and around developments should be encouraged (Paragraph 175). This is underpinned by Paragraph 8 of the Framework, which details the three overarching objectives that the planning system should try to achieve, and it is here that the Framework indicates that planning should contribute to conserving and enhancing the natural environment. At a local level, this requirement is reflected through policies SP8 and DM44. Accordingly, the application is supported by a phase 1 biodiversity survey. The objectives of such an assessment are to identify potential habitats on or within a development site and to determine the suitability for protected or notable species. In addition, the survey should also seek to clarify what species may be on the site and what impacts, if any, may arise in the event of the development taking place.

5.7.2 The submitted biodiversity survey clarifies that the site (including trees and vegetation) have a low bat roost potential whilst offering potential bird nesting potential. In considering the potential impact upon bats, the Local Planning Authority, as the competent Authority must have regard to the Conservation of Habitats and Species Regulations 2010. The Regulations transpose certain prohibitions against activities affecting European Protected Species. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive provides for the derogation from these prohibitions for specified reasons and providing certain conditions are met. In this instance, the submitted biodiversity survey confirms that a preliminary roost assessment took place in conjunction with an activity survey. No evidence of emerging bats was found, and the report therefore concludes that no further surveys or mitigation measures for roosting bats are required.

5.7.3 With respect to other species which may be marginally impacted by the development (predominantly birds, brown hares and badgers) the submitted ecology report recommends mitigation measures (timing of clearance, checking the site etc). In the event that planning permission be granted, such measures could be reasonably conditioned in accordance with the NPPF's advice and policy DM44. The biodiversity survey further recommends several enhancement measures in order to ensure the development secures biodiversity net gain, which would further secure compliance with paragraph 170 of the NPPF. Such measures could also be reasonably controlled through the imposition of a suitably worded planning condition requiring the submission of project appropriate enhancement measures.

5.7.4 In addition to the site specific biodiversity matters, due to the site's proximity to Morecambe Bay (450m), the application has been screened under the Habitats Regulations by the Local Planning Authority. Whilst the application does not result in any 'land take' from the designated site, the proposal does have potential for impacts to the designated areas from recreational disturbance. It would, for example, be possible to walk from the site to these areas given the close proximity. Mitigation could be put in place to reduce the potential use of the designated areas and adjacent functionally linked land.

- 5.7.5 Having undertaken an Appropriate Assessment, the Local Planning Authority concludes that the potential impacts from increased recreational pressure are considered to be limited by the relatively small size of the proposed development. However, to mitigate any potential increase in recreational pressures caused by the development, homeowner packs can be provided to each dwelling, as identified within the HRA for the Local Plan. The homeowner packs would be expected to include details of the adjacent designated sites (and the wider Morecambe Bay coastline), their sensitivities to recreational pressure and promote the use of alternative areas for recreation, in particular dog walking areas. This can be adequately covered by a condition on a planning consent and formal comments from Natural England confirm that they deem this approach to be appropriate.
- 5.8 **Consideration 6 Flood Risk and Drainage Matters**(NPPF: Chapter 14 paragraphs 150 and 153 (Planning for Climate Change) and paragraphs 155-163 and 165 (Planning and Flood Risk); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water); Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Natural Environment); Surface Water Drainage, Flood Risk Management and Watercourses Planning Advisory Note (PAN) (2015))
- 5.8.1 The NPPF advises that Local Planning Authorities should avoid permitting development in areas at the greatest risk of flooding and instead, it should directed towards the areas with a lower flood risk. This national requirement is reflected in policy DM33. The application site in question is wholly within flood zone 1 and is not therefore subject to the sequential or exception test as set out within the NPPF and there is no evidence within the submitted application which would suggest that the scheme is likely to exacerbate flooding in other locations.
- 5.8.2 With respect to surface water run off, policy DM34 advises that all new development should manage surface water run off in a sustainable way and that the design of all proposed surface water drainage systems should have regard to the surface water drainage hierarchy as set out below with 1 being the preference and 4 being the least preferred method:
1. Into the ground (infiltration at source);
 2. Attenuated discharge to a surface water body, watercourse or the sea;
 3. Attenuated discharge to surface water sewer, highway drain or another drainage system;
 4. Attenuated discharge to a combined sewer (as a last resort only in exceptional circumstances where it can be demonstrated that no other options higher up the hierarchy are feasible).
- 5.8.3 In this instance, although policy DM35 requires major developments to submit a drainage strategy, owing to the outline nature of the proposal, a final drainage scheme has not yet been designed. Instead, the application is supported by a planning statement which confirms the intention is to use soakaways for each dwelling with the driveways being constructed from permeable pavements. A basic percolation test has also been undertaken which confirms that two trial pits have been excavated and both drained successfully. However, these tests were conducted in May 2020 in dry conditions and this means that in winter months, performance may be significantly different.
- 5.8.4 Despite this, United Utilities has reviewed the submitted information and their response dated 25 June confirms that they do not object to the use of soakaways based on the data provided. A full investigation into the most appropriate method of surface water drainage, in accordance with the hierarchy is still recommended however.
- 5.8.5 The proposal has also been reviewed by the Lead Local Flood Authority(LLFA) given their statutory position as the responsible risk management authority pursuant to the 2010 Flood and Water Management Act. The LLFA has identified that the wider area does, at times, suffer from localised flooding due to the locality's existing drainage infrastructure being at capacity. However, subject to standard conditions relating to the submission of a final drainage scheme and its maintenance, the LLFA have raised no objection to the proposed development. The comments from the LLFA also recommend that a condition be imposed to control surface water drainage during the development's

construction phase and this is deemed to be both reasonable and necessary by the Local Planning Authority.

5.9 Other matters for consideration

5.9.1 Education Infrastructure

Paragraph 94 of the NPPF and policy DM58 of the Development Management DPD requires local planning authorities and developments to take a positive and collaborative approach to ensuring future residents of new development have access to school places. In this case, the Education Assessment from the Schools Planning Team requests a contribution of £23,061.75. However, this is based on hypothetical dwelling sizes and bedroom numbers. The final figure would need to be recalculated at the reserved matters stage once the final number of dwellings and bedroom numbers are known. This will be included within the planning obligation should the proposal be supported.

5.9.2 Cultural Heritage

With respect to cultural heritage, policy AS21 of the AONB's DPD provides that an investigation and recording of any archaeological interest on the site must be undertaken in line with relevant policies of the Lancaster Local Plan. However, in response to their formal consultation the Lancashire County Council Historic Environment team have confirmed that no such investigation is necessary.

6.0 Conclusion and Planning Balance

6.1 In conclusion, this scheme represents a policy compliant proposal that Officers feel is capable of being supported. The site is allocated for housing under the AONB DPD and policy SP2 of the SPLA DPD identifies the village of Warton as being a sustainable settlement capable of accommodating a degree of residential growth. The final details of the proposal will be considered through the submission of a reserved matters application but the principle of residential development on the site is supported. In addition, the Council's lack of a 5 year housing supply means that the proposal must be considered within the context of the NPPF's presumption in favour of sustainable development and this is a material consideration within the decision making process.

6.2 Based on the current submission and the site's ability to accommodate the proposed quantum of development to a satisfactory standard, no material reasons to refuse the development have been identified by the Local Planning Authority. Ultimately, the proposal will make a positive contribution in terms of providing additional homes (albeit modest), a degree of useable open space and it will also make a likely contribution towards the locality's education provision depending upon the details submitted at the reserved matters stage. The scheme will also deliver up to 6 affordable units and all dwellings delivered will be required to meet the nationally described space standards as well being designed to be M4(2) compliant (accessible and adaptable homes). These are factors of significant benefit that weigh in favour of the scheme.

6.3 Overall, the scheme is considered to be one which is able to deliver a degree of material benefits to the locality whilst contributing positively to the area's shortfall in housing needs. Whilst a number of local objections are noted, Officers have not identified any material or significant reasons which would suggest that the scheme should be refused.

Recommendation

It is recommended that Outline Planning Permission **BE GRANTED** subject to a planning obligation securing the following:

- 50% affordable housing provision
- Education contribution (1 x secondary place but to be confirmed at reserved matters stage)
- Provision of onsite amenity space to be calculated and agreed as part of the reserved matters application
- Off-site public open space financial contribution to be agreed at reserved matters
- Provision of Management Company to manage and maintain open space, landscaping and other land/infrastructure that is not adopted by public bodies.

and the following planning conditions:

Condition no.	Description	Type
1	Time limit and submission of reserved matters	Standard
2	In accordance with plans	Standard
3	Land contamination condition	Pre commencement
4	Submission of a surface water drainage scheme	Pre commencement
5	Submission of a surface water drainage scheme during construction	Pre commencement
6	Submission of access details	Pre commencement
7	Submission of site level details	Pre commencement
8	Hedge translocation and delivery of visibility splays	Pre commencement
9	Off site highway works	Pre commencement
10	Provision of pedestrian linkage	Pre commencement
11	Boundary treatments	Above ground level
12	EV points and cycle stores	Above ground level
13	Submission of foul drainage scheme	Pre occupation
14	Verification / maintenance for surface water drainage	Pre occupation
15	Ecological enhancements	Pre occupation
16	Homeowner packs	Pre occupation
17	Specification of internal estate road	Pre occupation
18	Ecological mitigation measures (site specific)	Compliance
19	Houses to be NDSS compliant	Compliance
20	20% of houses to be compliant with M4(2) Building Regulations	Compliance
21	Removal of permitted development	Compliance
22	Subject to the scheme agreed under condition 8, retention of hedge	Compliance

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None